

U.S. DISTRICT JUDGE RICHARD A. JONES

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

XAVIER LARREGUI-RIVERA, )  
 ) CIVIL NO. 2:21-cv-00059-RAJ  
Plaintiff, )  
 ) ~~PROPOSED~~ ORDER  
vs. )  
 )  
COMMISSIONER OF SOCIAL SECURITY,) )  
 )  
Defendant )  
 )

This matter comes before the Court on the parties' stipulated motion for attorney's fees pursuant to the Equal Access to Justice Act, 28 U.S.C. § 2412

The motion is timely as Plaintiff had a 60-day appeal period, plus the 30-day period in §2412(d)(1)(B), from the entry of final judgement on September 23, 2021 to file a timely EAJA application. *Akopyan v. Barnhart*, 296 F.3d 852 (9<sup>th</sup> Cir. 2002); *Melkonyan v. Sullivan*, 501 U.S. 89, 94-96 (1991); FED. R. App. P. 4(a). Furthermore, upon review of the stipulation and the record, the Court determines that Plaintiff is the

1 prevailing party, the government's position was not substantially justified, and that the  
2 itemization of attorney time spent is reasonable. In short, the requirements of §  
3 2412(d)(1)(B) are met.

4 Having thoroughly considered the parties' briefing and the relevant record, the  
5 Court hereby GRANTS the motion and awards Plaintiff \$6,796.93 in attorney's fees,  
6 subject to any offset allowed under the Treasury Offset Program. *See. Astrue v. Ratliff*, 560  
7 U.S. 586, 589 – 590 (2010). Payment of EAJA fees shall be made payable to and sent to  
8 Plaintiff's attorney by either EFT or check: David Oliver at David Oliver & Associates,  
9 2608 South 47<sup>th</sup> Street, Suite C, Tacoma, WA 98409. Pursuant to *Ratliff*, award shall be  
10 payable to Plaintiff's attorneys, David Oliver at David Oliver & Associates, if the  
11 Commissioner confirms that Plaintiff owes no debt to the Government through the Federal  
12 Treasury Offset program.  
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14 For the foregoing reasons, Plaintiff's stipulated motion for attorney fees is  
15 GRANTED;

16 DATED this 12th day of January, 2022.

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20 The Honorable Richard A. Jones  
21 United States District Judge  
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